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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,816	10/05/2000	Takashi Sakakura	2565-0210P	8792
7590	09/25/2006		EXAMINER	
BIRCH, STEWART, KOLASCH & BIRCH LLP			NGUYEN, HUY D	
P. O. Box 747				
Falls Church, VA 22040-0747			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/679,816	SAKAKURA, TAKASHI
	<b>Examiner</b>	<b>Art Unit</b>
	Huy D. Nguyen	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 27 August 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-17 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 2,3,6,7 and 13 is/are allowed.  
 6) Claim(s) 1,5,8,9,11,12,14,15 and 17 is/are rejected.  
 7) Claim(s) 4,10 and 16 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 11, 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kingdon et al. (U.S. Patent No. 6,138,003).

Regarding claims 1, 17, Kingdon et al. teaches a wireless terminal communication method in a network, the network comprising, a plurality of wireless terminals (col. 3, lines 59-60), and a terminal location database (e.g., HLR 265 – col. 5, line 52; Fig. 2) for controlling the position information of the wireless terminals, the wireless terminal communication method comprises the steps of: sending an inquiry to the terminal location database by a wireless terminal (e.g., agency 280, taxi, police) for a position information of a destination mobile wireless terminal (e.g., MS 200) of the mobile wireless terminal (col. 6, lines 30-37); and sending communications transmissions to the destination mobile wireless terminal from the mobile wireless terminal to share data between the mobile wireless terminal and the destination mobile wireless terminal when the mobile wireless terminal has received the position information of the destination mobile wireless terminal from the terminal location database (e.g., provide location service for MS-requested positioning – col. 5, line 66).

Regarding claim 11, Kingdon et al. teaches the wireless terminal communication method as defined in claim 1, wherein the terminal location database refers and replies to the inquiring step the position information of the wireless terminals controlled by the cellular phone network (see figures 1 & 2; column 4, lines 55-56; column 6, lines 30-37).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kingdon et al. (U.S. Patent No. 6,138,003) in view of Morimoto et al. (U.S. Patent No. 6,789,057).

Regarding claim 5, Kingdon et al. teaches the claimed invention except sending the inquiring step according to the priority order. However, the preceding limitation is taught in Morimoto et al. (see column 12, lines 24-25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Morimoto et al. to the teaching of Kingdon et al. to avoid the problem of traffic increasing exponentially.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kingdon et al. (U.S. Patent No. 6,138,003) in view of Hall et al. (U.S. Patent No. 6,742,037).

Regarding claim 8, Kingdon et al. teaches the claimed invention except exchanging periodically the position information of the wireless terminals. However, the preceding limitation is taught in Hall et al. (see column 11, lines 3-5). It would have been obvious to one having

ordinary skill in the art at the time the invention was made to apply the teaching of Hall et al. to the teaching of Kingdon et al. to keep the system up to date and run smoothly.

6. Claim 9, 12, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kingdon et al. (U.S. Patent No. 6,138,003) in view of Haartsen (U.S. Patent No. 6,574,266).

Regarding claim 9, Kingdon et al. teaches the claimed invention except connecting to an ad hoc network. However, the preceding limitation is taught in Haartsen (see column 3, lines 39-46). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Haartsen to the teaching of Kingdon et al. to save resource by implementing direct communication.

Regarding claim 12, Kingdon et al. teaches the claimed invention except direct communication between the wireless terminals. However, the preceding limitation is taught in Haartsen (see column 3, lines 39-46). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Haartsen to the teaching of Kingdon et al. to conserve resource by bypassing the infrastructure (e.g., base station controller).

Regarding claim 14, wireless terminals in an ad hoc network can communicate with each other either directly or via an intermediate wireless terminal.

Regarding claim 15, Haartsen teaches the direct communication in an ad hoc network which reduces congestion (see column 3, lines 39-46).

***Allowable Subject Matter***

7. Claims 4, 10, 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claim 13 is allowed. The following is an examiner's statement of reasons for allowance:

Regarding claim 13, the cited prior arts, either alone or in combination, fail to teach the terminal location database periodically broadcasts position and address of the terminal location database, in combination with all of other limitations in the claim.

Claim 2 has been rewritten in the independent form including all the limitations of the base claim. Thus, claim 2 is now allowable with the same reason set forth in the previous office action.

Claims 3, 6-7 have been allowed previously.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Nguyen whose telephone number is 571-272-7845. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Huy D Nguyen  
Patent Examiner  
Art Unit 2617